

4. The following chart summarizes Wiley's publication information regarding the titles that Psihoyos has pleaded in his Complaint in this case:

Photo	ISBN (13)	Title	Author	Pub Date
Books in which photos appeared:				
"Narcoleptic dog" (2 photos)	9780471747246	Psychology in Action 8th Edition	K. Huffman	12/14/05
	9780471941590	Psychology in Action 8th Edition (Binder Ready Version)	K. Huffman	07/06/06
	9780470379110	Psychology in Action 9th edition	K. Huffman	11/04/08
	9780470418345	Psychology in Action 9th edition (Binder Ready Version)	K. Huffman	11/12/08
	978KBLOK00144	Psychology in Action 9th edition (Book Blocks)	K. Huffman	11/04/08
	9780471767961	Visualizing Psychology 1st Edition	S. Carpenter & K. Huffman	01/09/07
	9780470290477	Visualizing Psychology 1st Edition (Binder Ready Version)		12/13/07
	9780470410172	Visualizing Psychology 2nd Edition	S. Carpenter & K. Huffman	10/05/09
	9780470556276	Visualizing Psychology 2nd Edition (Binder Ready Version)		10/07/09
	978KBLOK00502	Visualizing Psychology 2nd Edition (Book Block)		10/08/09
	9780470184721	Visualizing Psychology, DVD	S. Carpenter & K. Huffman	11/08/10
"Dinamotion exhibit at the Museum of Natural History, Cincinnati, OH"	9780471747055	Visualizing Earth Science 1st Edition	Merali	12/12/08
	9780470418475	Visualizing Earth Science 1st Edition BRV	Merali	12/29/08
	978KBLOK00311	Visualizing Earth Science, 1st Edition (Book Blocks)	Merali	01/02/09
	9780471747277	Visualizing Geology, 1st Edition	Murck	01/17/07
	9780470290316	Visualizing Geology, 1st Edition (Binder Ready Version)	Murck	01/03/08

Photo	ISBN (13)	Title	Author	Pub Date
	9780470419472	Visualizing Geology 2e	Murck	02/05/09
	<i>{No BRV format for this title}</i>	Visualizing Geology 2e BRV	Murck	02/05/09
“8-foot long nesting dinosaur wrapped around at least 20 eggs”	9780471747055	Visualizing Earth Science 1st Edition	Merali	12/12/08
	9780470418475	Visualizing Earth Science 1st Edition BRV	Merali	12/29/08
	978KBLOK00311	Visualizing Earth Science, 1st Edition (Book Blocks)	Merali	01/02/09
	9780471747277	Visualizing Geology, 1st Edition	Murck	01/16/07
	9780470290316	Visualizing Geology, 1st Edition (Binder Ready Version)	Murck	01/03/08
	9780470419472	Visualizing Geology 2e	Murck	02/05/09
	<i>{No BRV format for this title}</i>	Visualizing Geology 2e BRV	Murck	02/05/09
“Fossilized dinosaur tracks”	9780471747055	Visualizing Earth Science 1st Edition	Merali	12/12/08
	9780470418475	Visualizing Earth Science 1st Edition BRV	Merali	12/29/08
	978KBLOK00311	Visualizing Earth Science, 1st Edition (Book Blocks)	Merali	01/02/09
	9780470419472	Visualizing Geology 2e	Murck	02/05/09
	<i>{No BRV format for this title}</i>	Visualizing Geology 2e BRV	Murck	02/05/09
“Enormous Triceratops Skeleton”	9780471724902	Visualizing Earth History 1st Edition	Babcock	10/06/08
	9780470418451	Visualizing Earth History 1st Edition BRV	Babcock	10/06/08

Photos that were pleaded, but not actually used by Wiley:

“A Collection of Gastroliths”	9780470223550	Physics, 8th Edition	Cutnell	12/17/08
	9780470401675	Physics, 8th Edition BRV	Cutnell	12/18/08
	9780470409428	Physics, 8th Edition ISV	Cutnell	03/31/09
	9780470379240	Physics, 8th Edition V1	Cutnell	10/20/08
	9780470379257	Physics, 8th Edition V2	Cutnell	01/05/09
“500 Televisions in the Information Age”	9780471724902	Visualizing Earth History 1st Edition	Babcock	10/06/08
	9780470418451	Visualizing Earth History 1st Edition BRV	Babcock	10/06/08

Photo	ISBN (13)	Title	Author	Pub Date
<u>Incorrect title pleaded in the Complaint:</u>				
		Visualizing Geography, 2nd edition		
		Visualizing Geography, 2nd edition BRV		

5. Attached hereto as **Exhibit 1** is a true and correct copy of the page in the title *Psychology in Action 8th Edition* in which the photo “Narcoleptic dog” appears.

6. Attached hereto as **Exhibit 2** is a true and correct copy of the page in the title *Psychology in Action 9th Edition* in which the photo “Narcoleptic dog” appears.

7. Attached hereto as **Exhibit 3** is a true and correct copy of the page in the title *Visualizing Psychology 1st Edition* in which the photo “Narcoleptic dog” appears.

8. Attached hereto as **Exhibit 4** is a true and correct copy of the page in the title *Visualizing Psychology 2nd Edition* in which the photo “Narcoleptic dog” appears.

9. Attached hereto as **Exhibit 5** are true and correct copies of the pages in the title *Visualizing Earth Science 1st Edition* in which the following photos appear:

“Dinamation exhibit at the Museum of Natural History, Cincinnati, OH,” “8-foot long nesting dinosaur wrapped around at least 20 eggs,” and “Fossilized dinosaur tracks.”

10. Wiley has not been able to locate an archive copy of the title *Visualizing Geology, 1st Edition*. However, Wiley does not dispute that this book included the following photos shown in Exhibit 5: “Dinamation exhibit at the Museum of Natural History, Cincinnati, OH” and “8-foot long nesting dinosaur wrapped around at least 20 eggs.”

11. Attached hereto as **Exhibit 6** are true and correct copies of the pages in the title *Visualizing Geology 2nd Edition* in which the following Psihoyos photos appear:

“Dinamation exhibit at the Museum of Natural History, Cincinnati, OH,” “8-foot long nesting dinosaur wrapped around at least 20 eggs,” and “Fossilized dinosaur tracks.”

12. Attached hereto as **Exhibit 7** is a true and correct copy of the page in the title *Visualizing Earth History 1st Edition* in which the photo “Enormous Triceratops Skeleton” appears.

13. With respect to the title *Visualizing Geography, 2nd edition*, this book was erroneously listed in Wiley’s pre-litigation disclosures to Psihoyos as containing Psihoyos photos. No such title has been published by Wiley.

14. Attached hereto as **Exhibit 8** is a true and correct copy of a page from the December 1987 edition of the *National Geographic* magazine in which the article “What is this thing called sleep?” by Michael E. Long was published with photos of Dr. William C. Dement holding a dog named Tucker who had been bred at Stanford University with a trait of narcolepsy.

15. Attached hereto as **Exhibit 9** is a side-by-side comparison of the photos in Exhibits 1-4 compared to the photos in Exhibit 8, showing that the photos in the Wiley books are not the same photos published by National Geographic in its December 1987 magazine.

16. The May 1996 edition of the *National Geographic* magazine in which the article “The great dinosaur egg hunt” by Philip J. Currie was published includes photos by Psihoyos, but none of those photos include the shot of a fossilized oviraptor nest with more than 20 eggs shown in the photo published by Wiley and displayed in Exhibits 5 and 6.

17. Attached hereto as **Exhibit 10** is a true and correct copy of the page in the book *Hunting Dinosaurs* by Psihoyos and John Knoebber containing a Psihoyos photo of a man on a rock wall face pointing to fossilized dinosaur tracks.

18. Attached hereto as **Exhibit 11** is a side-by-side comparison of the “Fossilized dinosaur tracks” photo shown in Exhibits 5 and 6 compared to the photo from *Hunting Dinosaurs* in Exhibit 10, with yellow highlighting encircling the details in the two photos that demonstrate the two pictures are not the same.

19. Attached hereto as **Exhibit 12** is are true and correct copies of documents produced by Wiley in discovery in this case reflecting Wiley’s request on August 13, 2008 for permission to publish the photo “Enormous Triceratops Skeleton” in the book *Visualizing Earth History 1st Edition*, and the subsequent approval of that request by Psihoyos’ licensing agent Science Faction.

20. Attached hereto as **Exhibit 13** is a true and correct copy of the only copyright registration material produced by Psihoyos with respect to the copyright registration VA 0-000-888-303, alleged in the Complaint to cover Wiley’s use of the “Narcoleptic dog” photo.

21. At no point during discovery in this case has Psihoyos produced any registration certificate, in his name or otherwise, covering the “Dinamation” photo contained in Exhibits 5 and 6.

22. Attached hereto as **Exhibit 14** are true and correct copies of the copyright registration materials produced by Psihoyos with respect to the copyright registration VA 0-000-888-299, alleged in the Complaint to cover the photo used by Wiley and titled “8-foot long nesting dinosaur wrapped around at least 20 eggs.” As noted above, however,

the *National Geographic* article that is covered by this copyright registration does not in fact include the photo used by Wiley and shown in Exhibit 5 and 6.

23. Attached hereto as **Exhibit 15** are true and correct copies of separate copyright registration materials produced by Psihoyos related to the copyright registration VA 1-659-154 obtained by Science Faction in 2009 with respect to a collection of Psihoyos photos for which the registration certificate indicates the photos were first published on March 8, 2006, including a photo of a nest of fossilized oviraptor eggs.

24. Attached hereto as **Exhibit 16** is a side-by-side comparison of the photo of fossilized oviraptor eggs in Exhibits 5 and 6, as used by Wiley in three of its books, compared to the similar photo in Exhibit 15, demonstrating that the two photos are not the same.

25. Attached hereto as **Exhibit 17** are true and correct copies of the copyright registration certificate TX 4-083-613 for Psihoyos' 1994 book *Hunting Dinosaurs*. As noted above, however, that book does not contain the photo of fossilized dinosaur tracks that was used in Wiley's books and is shown in Exhibits 5 and 6. Psihoyos has not produced any copyright registrations for any other publication containing the version of this photo published by Wiley.

26. From the outset of its discovery requests, Wiley has sought production from Psihoyos of all copyright registrations pertaining to photos Psihoyos has pleaded in this case.

27. Attached hereto as **Exhibit 18** are true and correct copies of the requests for production of documents that Wiley served on the plaintiff on April 18, 2011 and July 7, 2011.

28. During the course of the proceedings in this case, I have repeatedly advised plaintiff's counsel of the inadequacy of the plaintiff's production of copyright registrations, including the lack of valid copyright registrations for five of the eight photos pleaded in the Complaint.

29. Attached hereto as **Exhibit 19** is a true and correct copy of a letter I sent to Psihoyos' counsel requesting that all copyright registrations pertaining to photos Psihoyos has pleaded in this case be produced prior to the close of discovery.

30. As of the date of the close of discovery in this case, on August 10, 2011, the plaintiff had failed to supplement its document production or interrogatory responses or otherwise provide any copyright registration information for the photos published by Wiley in Exhibits 1 through 6.

31. Attached hereto as **Exhibit 20** is a true and correct set of excerpts of the Deposition of Louis Psihoyos taken by the defendant in this case on July 7, 2011.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: Hoboken, N.J.
August 17, 2011

/s/ Ashima Aggarwal
Ashima Aggarwal